S.B.CIVIL TRANSFER PETITION NO.10/2006

Smt. Aarti

vs.

Arvind Kapoor and another.

DATE OF ORDER ::: 13.9.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. Mahesh Bora, for the petitioner.

Mr. SS Khatri, for the respondent no.1.

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Heard learned counsel for the parties.

The petitioner, wife of the respondent no.1, has moved this petition for transfer of the Petition No.32/2006 filed by the respondent no.1 under Section 9 of the Hindu Marriage Act and which is pending in the Court of District Judge, Bikaner to Family Court, Jodhpur.

According to the petitioner, the marriage of the petitioner took place with the respondent no.1 on 31.5.2001 and a boy was born to the petitioner on 13.3.2002. Before her marriage, the petitioner was working at Jodhpur as she is M.B.A. After marriage, she left the job and lived with the husband at Bikaner. It is submitted that because of ill-treatment by the father-in-law, mother-in-law and because of the attitude of the respondent no.1, she had to

leave Bikaner. Presently, she is working at Jodhpur. It is submitted that because of various reasons, she cannot travel to Bikaner which is about more than 200 kms. from Jodhpur, to attend the proceedings with her four years old child. It is submitted that the respondent no.1 cannot have any difficulty in attending the Court at Jodhpur.

Learned counsel for the respondent no.1 submitted that even before the marriage took place, the petitioner herself voluntarily left the service and started living at Bikaner. It is submitted that she can well come to Bikaner and that she is under influence of her brother-in-law and, therefore, there is no reason for transferring the case from Bikaner.

I considered the submissions of learned counsel for the parties.

It is not in dispute that the petitioner is a young lady with a small boy with her of the age of 4 years only. She is in service at Jodhpur and the petition filed by the respondent no.1 is pending at Bikaner which is more than 200 kms. from Jodhpur.

In view of the above and in view of the allegations, it will be appropriate that the petition filed by the respondent no.1 under Section 9 of the Hindu Marriage Act be transferred.

In view of the above, this transfer petition is allowed, the Petition no.32/2006 (Arvind Kapoor vs. Smt. Aarti) filed by the respondent no.1 pending in the Court of District Judge, Bikaner is hereby withdrawn and is transferred to the Family Court, Jodhpur for deciding the same in accordance with law.

Both the parties are directed to remain present before the Family Court, Jodhpur on 9.10.2006.

The learned Judge, Family Court, Jodhpur is requested to decide the petition expeditiously without giving any unnecessary adjournment to the parties as both the parties assure that they will not seek any unnecessary adjournment.

(PRAKASH TATIA), J.

S.Phophaliya